

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

JOHN DENTON,	)	Case No.:
	)	
Plaintiff,	)	
	)	Hon.
v.	)	
	)	
FIFTH THIRD BANK,	)	
	)	
Defendant.	)	
	)	

**PLAINTIFF’S COMPLAINT**

JOHN DENTON (Plaintiff), through his attorneys, alleges the following against FIFTH THIRD BANK (Defendant):

**INTRODUCTION**

1. Plaintiff’s Complaint is based on Telephone Consumer Protection Act, 28 U.S.C. § 227 *et seq.* (TCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this Court over Plaintiff’s Complaint arises pursuant to 28 U.S.C. § 1331.

3. Because Defendant conducts business in the State of Michigan, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

**PARTIES**

5. Plaintiff is a natural person who resides in Farwell, Michigan.

6. Plaintiff is informed, believes, and thereon alleges, that Defendant is a national company with a main business office in Cincinnati, Ohio.

7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### **FACTUAL ALLEGATIONS**

8. In or around April 2018, Defendant began constantly and consistently placing telephone calls to plaintiff in an attempt to collect a debt an alleged debt.

9. Defendant places telephone calls to Plaintiff on Plaintiff's cellular telephone at 239-298-1523

10. Based upon the timing and frequency of Plaintiff's calls and per its prior business practices, each collection call placed by Defendant to Plaintiff was placed using an automatic telephone dialing system.

11. On or around April 26, 2018 at 1:29 p.m., Plaintiff called Defendant at the phone number 866-450-0037 and spoke to Defendant's representative James. During the conversation with Defendant's representative, Plaintiff requested that Defendant stop calling his cellular telephone.

12. Plaintiff revoked any consent, either explicitly or implicitly, to receive automated telephone calls from Defendant on his cellular telephones.

13. Despite Plaintiff's request to cease, Defendant placed at least fifty-seven (57) calls to Plaintiff's cellular phone.

**COUNT I**

**DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT**

14. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).
15. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

16. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
17. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
18. All court costs, witness fees and other fees incurred; and
19. Any other relief that this Honorable Court deems appropriate.

Dated: June 25, 2019

RESPECTFULLY SUBMITTED,

By: /s/ Ryan Lee .

Ryan Lee (SBN: 024846)  
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